

EXHIBIT #8
DATE Jan 19th 2011
HB 130

Chairman Ingraham & Members of the Committee,

My name is Jacob Eaton, I reside in Helena and I rise in opposition to House Bill 130. I became actively involved in politics in the 2000 Election cycle and since then have been involved with hundreds of campaigns at every level of politics from City Council to President both in Montana and across the country. I have serious concerns about how this bill affects our electoral process in Montana including disenfranchising voters, opening the door to pervasive voter and diminishing interest in our elections, I also believe that the arguments in favor of this bill are flimsy and are only designed to hide the true intentions of many of its supporters. I believe many of the supporters of this legislation are simply bureaucrats looking to make their jobs easier, not safeguard or increase participation in our electoral process.

Below are several items I believe you should thoroughly examine before voting on this bill:

Mail Ballot Elections do not increase voter participation – Montana has de facto mail ballot system through our Absentee system, has our voter turnout increased? No, in fact Montana voter turnout has been on steady decline since the 1980's (according to statistics available on the Secretary of State website). Supporters of mail ballot elections often point to Oregon as an example of how this system can increase voter participation. However the facts do not back up these claims, in 1996 Oregon saw 71.3% turnout in the General Election, in 2000 (the first General Election with all mail ballots, the system as adopted by ballot initiative during the 1998 General Election) voter turnout was 79.8%. Fourteen years later, in the 2010 General Election Oregon had a 71.9% voter turnout. According to data available from the Oregon Elections Division, the state's voter turnout has remained relatively steady for the past 40 years.

Voter turnout has historically and will always be based on the public's interest in a particular election, not how easy the state makes it for people to vote.

Mail Ballot Elections open the door for voter fraud – While some may claim that concerns of voter fraud are overblown or a red herring, the fact remains voter fraud is very much alive and well (attached to this testimony are 40 news stories of voter fraud cases in 15 states). In Montana, we must look no further than our own Governor who stood in front the national trial lawyers convention and bragged about rigging the 2006 election for his buddy Jon Tester. The Governor would later claim that he was only making a joke. As someone who was intimately involved in that election I can tell you that many of the Governor's claims came very close to real incidents that were reported by citizens across the state.

No matter your feelings on voter fraud that has or has not occurred in the past, no one can refute the fact that mail ballot elections open the door for potential fraud. Below are just a few

of the infinite number of ways an all mail ballot election can be exploited by unscrupulous individuals:

- Forged Ballots to County Officials – Create, forged replicate ballots and send County officials massive amounts of fraudulent ballots from hard GOP/Dem precincts in an attempt to disenfranchise a small portion of those hoping that some of the fraudulent ballots will either be counted or that since the election official has received multiple ballots from the same person both will be discarded.
- Forged Ballots to Voters – Create, forged replicate ballots and send voters in hard GOP/Dem precincts in an attempt to disenfranchise a small portion of those hoping that they fill out the false ballot not the real ballot. Success is achieved by having either the false ballot or both ballots mailed to county election officials.
- Ballot theft – Stealing ballots from mailboxes and having a third party fill out and send in.
- Fake Return Address – Generate a postcard that is “from county elections official” alerting voters in targeted areas that their envelopes were misprinted and they must mail them to a new address. Of course, the new address is not correct and those ballots will not ever be received
- Fake Voter Registration – A third party could create any number of fake voters by simply filling out voter registration cards and having ballots mailed to one or more address.

There can be no doubt that essentially turning over the security of our electoral system to the United States Postal Service is bound to lead to increased instances of voter fraud.

Mail Ballot Elections will disenfranchise voters – An all mail ballot system will rely on the USPS to deliver ballots to the correct registered voter which is an invitation for problems. Have you ever had a piece of mail get lost? Have you ever received mail addressed to someone else? In 2010 at least 1% of all Absentee Ballots (approximately 2,100 out of 187,000 ballots) that were mailed were returned to the County Election Office as “undeliverable”, however since not all counties report the number of undeliverable ballots to the Secretary of State’s office it is unknown exactly how many were actually undeliverable. Since not everyone who receives mis-delivered mail alerts the USPS it is also unknown how many people received someone else’s ballot. These problems would only be exacerbated when the system goes from 187,000 mail ballots to 650,000.

Montana voters don’t want mail ballots – Montana’s Permanent Absentee Ballot system creates a de facto mail ballot system, yet for all the hype from election officials about voters choosing to vote by Absentee the fact remains that only 28.7% (approximately 187,000) of Montana’s 650,000 registered voters voted by Absentee in 2010. 463,000 Montana voters have been given the choice to vote by mail and have chosen not to do so.

Mail Ballot Elections will have unintended consequences – Election officials can tell you about many aspects of this bill but one they cannot tell you about is the reality that it will create on the ground if implemented but I can tell exactly how I will setup the campaigns that I'm involved with should this system go into effect. Many of you have seen a Get-Out-The-Vote (GOTV) operation in full swing, where certain identified voters are called and/or visited by volunteers going door-to-door reminding them to vote. Under an all mail ballot election a GOTV effort would look something like this:

- Day prior to ballots being mailed – identified voters are called to remind them that their ballots will be arriving the next day and encouraged to vote for candidate X.
- Day of ballot mailing – Voters are called to confirm they received their ballot and encouraged to vote for candidate X.
- 2 Days after ballot mailing – Voters who have not returned their ballot are called to confirm they've received their ballot and encouraged to return it as soon as possible and vote for candidate X.
- 4 days after ballot mailing – voters who have not returned their ballot are called and encouraged to return it as soon as possible and vote for candidate X.
- 6 days after ballot mailing - voters who have not returned their ballot are called and encouraged to return it as soon as possible and vote for candidate X. These voters would also have a volunteer show up on their door with the same encouragement.

This scenario would play out essentially the same every single day until all identified voters had returned their ballots. This could be up to 30 days. This scenario would play out several times each day to the same voters because the contact would not just be coming from the campaign but also from the state parties and various outside interest groups who wanted to motivate their identified voters. You can imagine how some voters might react negatively to this system.

I'm sure that there are some who will question my motives and say that my concerns are just hyperbole spouted only for some partisan political purpose. I can assure you that is not the case, I believe that our right to vote, to have a say in our government is one of the most valuable gifts we have ever been given. This is a belief that was strengthened for me when I had the privilege to serve in Iraq, with the 1st Battalion, 163rd Infantry Regiment, during both the first Provisional Government Election and the Constitutional Referendum. I watched as Iraqi men and women, under threat of suicide bombers, IED's, and sniper attacks, exercised their right to vote for the first time in generations. I saw grown men literally singing and dancing in

the streets as they proudly waived their dyed-purple fingers in the air. These experiences have helped instill in me a deep respect for the democratic process and for the right of free people to have their voices heard.

I speak out against this bill not for some partisan political purpose but only because I believe it will have far reaching negative impacts on our democratic process in Montana. I believe it will open the door to pervasive fraud, diminish the stature of our elections and reduce people's faith in the integrity of the system and all for no other reason than that a few county officials don't want to spend the time to find election judges.

Thank you for your consideration.